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COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

DEC 17 2008
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COMMISSION

In the Matter of:

The Application of)
Kentucky Frontier Gas, LLC) Case No.
for Approval of Financing) 2008-00394

RESPONSE TO MOTION

Kentucky Frontier Gas, LLC (Kentucky Frontier), by counsel, objects to the motion to intervene of Johnson County Gas and B&H Gas Company, Inc. filed on December 10, 2008 in this case and Case No. 2005-00348.

KAR 5:001, Section 3(8), which governs intervention in Commission proceedings, provides: “[i]n any formal proceeding, any person who wishes to become a party to a proceeding before the commission may by *timely motion* request that he be granted leave to intervene [emphasis added].” The application in Case No. 2008-00394 was filed on September 24, 2008. The final order in that case was issued on November 25, 2008. The final order in Case No. 2005-00348 was issued on October 28, 2005. The motion for intervention was filed on December 10, 2008. Johnson County Gas and B&H had over three years to intervene in Case 2005-00348 and over two months to intervene in Case 2008-00394. They chose not to do so. Their attempt to interfere with the Commission’s rulings some three years after the final order in Case 2005-00348 and three weeks after the final order in Case No. 2008-00394 should be denied.

The decision not to intervene was exclusively in the hands of Johnson County Gas and B&H Gas. They had notice of the applications and the opportunity to attempt to intervene, but did not.

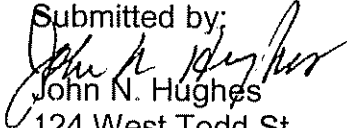
Johnson County Gas and B&H Gas allege in the motion that they have a direct interest in these cases. Having been aware of the cases and aware of the proposed transactions affecting them, they took no action to intervene prior to the issuance of the final orders. Their belated effort now should be rejected just as the Commission has done with similarly late filed motions for intervention. For example, in "East Kentucky Power Cooperative's Request for a Declaratory Ruling", Case No. 2004-00430, the Commission rejected an intervention motion filed after the issuance of the final order. The Commission said:

Despite the significant interest which it alleges to have in the subject matter of this proceeding, Salt River took no action to intervene until the issuance of the final order. Consistent with previous Commission rulings involving similar factual situations, we find Salt River's motion untimely and should be denied

The Commission took similar action in rejecting the motion to intervene of Prestonsburg, which filed its motion 85 days *after* the entry of the final Order in that proceeding. The Commission rejected the motion as untimely. See: "The Joint Application of SVWD, Southern Water District and the City of Pikeville", Case No. 2006-00327.

The allegations of Johnson County and B&H do not state a special interest in support of their intervention, which would justify ignoring the lack of timeliness. For these reasons, the Motion to Intervene should be denied.

Submitted by:



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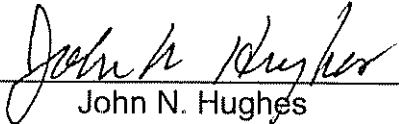
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Certificate:

I certify that a copy of this Response was served on Kim Gevedon, Box 216, West Liberty, KY 41472 the 17th day of December, 2008 by first class mail.



John N. Hughes